



# Tyngsborough Board of Health

Town Hall  
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Sheila Perrault, Vice-Chairman  
Christopher Mellen

Bernadette Harper  
Patricia Quinn

## Board of Health Meeting Minutes December 12, 2011

**Members Present:** Sheila Perrault (SP), Christopher Mellen (CM), Patricia Quinn (PQ),  
**Also Present:** Kerri C. Oun (KO) – Health Agent, Karen Steeves (KS), Matt Waterman (MW) – Landtech Consultant

### 6:10 Meeting Opened:

PQ: Made motion to open meeting  
CM: 2<sup>nd</sup> the motion

### 6:11 Meeting Minutes

Chairman, Fred Wendt (FW), has resigned from BOH. SP asked what issues Fred Wendt had with the October 17 meeting minutes. KO explained that FW did not send in the changes or comments to be added to the minutes.

PQ: made motion to accept October 17, 2011 and November 14, 2011 minutes  
CM: Second the motion  
Vote: yes – 3 no – 0

### 6:15 Health Inspector's Report

186 Frost Road - Health Agent KO had inspected the unit and issued violation notice. One of the violations was bedbugs. Housing Authority had the unit exterminated for bedbugs with heat treatment but the bedbugs still exist. Due to heat treatment, some of the violations were postponed until bedbugs issue is taken care of.

CM asked for update of Olive Garden septic system. KO explained that she went to see manager on another issue and has brought the matter to their attention. She will also send an order to Olive Garden to make repair.

### 6:20 Flu Vaccines

KS reported that BOH did 65 shots at the Senior Center and 36 shots at the Tyngsborough schools. PQ will give KS the paper work for the home visits. BOH has about 80 shots left. SP recommended contacting Innovation and Notre Dame Academy to see if they are interested in getting flu shots. KS will contact the 2 private schools.

### 6:30 312 Westford Street

Bernard Hamill of H-Star Engineering, Inc., representing 312 Westford Rd., was present to request a variance for a reduction of offset from the seasonal high water from 5 feet to 4 feet. He provided the Board a revised plan based on his conversation with MW. A variance is needed to avoid the rock pile, well area, and for the system to stay within property line. The system will include clay barrier and a notification for deed restriction for the pump. MW explained that there is a distinctive soil change on the property. At this point, MW has no obvious concerns from the look of the plan and he will do a final review of the plan.

CM: Made motion to grant variance for the SAS offset to be 4 feet from ground water instead of 5 feet as required by 310 CMR 15 pending MW's final plan review and comments.

PQ: Second the motion

Vote: Yes – 3 Opposed – 0

#### **6:37 47 Althea Ave.**

Kimberly Rooney and Brian Agrella were present to ask the Board to waive the Title V inspection for the transfer of the property. Ms. Rooney and Mr. Agrella are planning to purchase 47 Althea Ave. with cash and are willing to sign waiver with seller for Title V inspection. They want to know what do they need to do. They are planning to make repairs for the system but do not have money right now to make repair to the house as well as the system. They have also want clarification if they will need \$30,000 retainer for the repair. The Board is in agreement that they cannot waive the Title V inspection requirement and explained that they do have 2 years from date of inspection to make repair. Ms. Rooney and Mr. Agrella will not be required to have \$30,000 in escrow for the repair of the system.

#### **6:50 Max's Golf**

KS brought to attention of the Board that Max's Golf is planning to put a bumper boat and the selectman has requested input from the Board of Health. MW asked KO if it may fall under swimming pool regulation. KO does not think so. She knows the water will be chlorinated. The concern that MW has is the backwash water will be discharged onto the onsite system. He will write in his recommendation.

#### **7:00 Budget**

TA requested each department to submit FY 2013 budget requests. Board reviewed budget. Administrative Assistant's salary will increase due to step increase. Health Agent salary will stay the same. Animal Inspector/ Officer's position is under the Police Department. Animal disposal budget of \$100 is reduced to \$0 and conference and trainings budget is increased by \$100. Salaries and Wages for hazardous waste collection is increased from \$350 to \$500 and hazardous waste collection services is increased to \$15,000.

PQ: made motion to accept budget proposals for FY 2013.

CM: 2<sup>nd</sup> the motion

Vote: yes – 3 no – 0

#### **7:37 Administrative Assistant's Report**

Trash toters: KS has received late payments for trash toters and had to ask Allied Waste to remove toters for non-payment. After the toters were removed, owners would send in payment with bills and Allied Waste had to re-deliver. KS asked does Board want to impose late payment fee?

PQ: made motion to impose \$25 late payment fee for toters.

CM: 2<sup>nd</sup> the motion.

Vote: yes – 3 no – 0

**342 Middlesex Rd (Chisholm Rd)** – the office has received many inquiries regarding the property. The property is in foreclosure and is also under DEP jurisdiction due to hazardous materials found on the property. KS has spoken to DEP. The case is still open with DEP and any new owner would be required to clean up property. At this point, there is no disclosure on the property with the realtors. Does the Board want the Realty companies to provide disclosure to buyer and should BOH require water testing? Board asked Karen to check with Town Counsel and agreed that the water from the well should be tested.

Chairman, Fred Wendt has resigned from the Board. There has been an inquiry about the position. KS has spoken with Town Clerk and has been informed that the Board has two options:

1. Board can remain 4-person board until election.

- a. Board can vote for new chairperson or
  - b. Board can keep things the way they are with Vice-Chair running the meeting.
2. Board can have an interim until election.

SP recalled that when she came on Board as an interim, the board has to advertise the position (which would take about one month), Board has to interview candidate(s), and then the BOS has to approve the candidate. With the holidays coming up, the whole process would probably take 4-5 months and Town election is in May 2012. CM asked what would happen if the Board does not have a quorum. KS said that the issue can be brought up for a vote again when the Board has a 5 person board.

CM: Made motion to keep BOH as a 4 person Board until Town Election in May

PQ: Second the motion

Vote: Yes – 3                      Opposed: 0

**8:02 CM: Motion to adjourn**

**PQ: 2<sup>nd</sup> the motion**

Vote: yes – 3                      Opposed – 0

Respectfully for the Board of Health  
Kerri C. Oun  
Health Agent